United Nations A/C.6/53/SR.31

General Assembly
Fifty-third session

Official Records

Distr.: General
12 January 1999
English
Original: French

Sixth Committee

Summary record of the 31st meeting
Held at Headquarters, New York, on Monday, 16 November 1998, at 3 p.m.

Chairman: Mr. Enkhsaikhan ..... (Mongolia)

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98-82409 (E)

The meeting was called to order at 3.10 p.m.

Agenda item 149: United Nations Decade of International Law (A/53/332 and Add.1, A/53/492 and A/53/525)

1. **Mr. Corell** (The Legal Counsel), introducing the item, said that the note by the Secretary-General (A/53/492) contained a detailed description of the activities undertaken by the Office of Legal Affairs pursuant to General Assembly resolution 52/153 of 15 December 1997. In order to facilitate access to information concerning United Nations activities in the field of international law, the Office had issued further volumes of the *United Nations Juridical Yearbook* and the *Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice 1992–1996*. On the occasion of the fiftieth anniversary of the establishment of the International Law Commission, the Office had also published a work entitled *Making Better International Law: The International Law Commission at 50*, which contained the proceedings of the Colloquium on the Progressive Development and Codification of International Law, held at New York on 28 and 29 October 1997, as well as the *Analytical Guide to the Work of the International Law Commission, 1949–1997*. Other publications had been issued by, *inter alia*, the International Trade Law Branch and the Division for Ocean Affairs and the Law of the Sea.

2. In 1998, the Office of Legal Affairs had increased its visibility on the Internet by establishing several Web sites which could be reached from the United Nations home page, including those of the International Law Commission, the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda and the International Criminal Court (which was being consulted up to 50,000 times per week) and sites devoted to international trade law, oceans and the law of the sea and the United Nations Treaty Series. The last of those sites, which included the Internet version of the United Nations Treaty Section database, had received the Computerworld-Smithsonian award in the category "Governments and Non-Profit Organizations" for providing electronic access to the Treaty Section database; the latter had been added to the permanent collection of the Smithsonian. By making use of the Internet and continuing to contribute to the Global Legal Information Network (GLIN), the Office of Legal Affairs had sought to reach a broader public, and all the evidence showed that it had succeeded.

3. **Mr. Herndl** (Austria), speaking on behalf of the European Union, the associated countries Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, and, in addition, Iceland and Norway, said that it was time to take stock of the United Nations Decade of International Law and, in particular, to ask whether the Decade had helped to strengthen respect for the rule of law in international relations and to commemorate appropriately the important anniversaries with which it coincided.

4. Awareness of the role that international law played in international relations had certainly increased, due, in part to United Nations activities within the framework of the Decade. He welcomed the measures taken by the Office of Legal Affairs and, in particular, the Codification Division in order to achieve the goal of introducing the themes of international law to a broader public.

5. Turning to the note by the Secretary-General on the matter (A/53/492) he welcomed the determined effort made to eliminate the backlog in publication of the *United Nations Juridical Yearbook* and the decision to publish the cumulative index for the period 1962–1986 in the near future. He also welcomed the Secretariat's publication of major documents of international law, including the *Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice 1992–1996*, the proceedings of the Colloquium on the Progressive Development and Codification of International Law, held in New York on 28 and 29 October 1997, and the *Analytical Guide to the Work of the International Law Commission 1949–1997*, all of which would facilitate access to the Commission's work on international law. Two publications were of particular importance: the study tentatively entitled *The United Nations and the Development of International Law during the 1990s*, which was being prepared by the Codification Division, and a collection of essays by experts in international law which would be published at the close of the Decade. All of those projects were encouraging because they were the work, not only of the United Nations, but also of scholars and teaching institutions such as the Hague Academy of International Law, which had organized a course on the topic: international law on the eve of the twenty-first century: norms, values and facts.

6. With regard to electronic measures taken to improve the dissemination of information, he noted that new Web sites had been created and others expanded and that the Codification Division was continuing to cooperate with the Global Legal Information Network (GLIN). He welcomed the adoption of the Rome Statute of the International Criminal Court and expressed the hope that the Court would become operational soon; he also stressed the European Union's commitment to the cause of international criminal justice.

7. Turning to the commemoration of the centennial of the first International Peace Conference at The Hague, which had represented a milestone in the development of international law, he commended the Netherlands and the Russian Federation for the numerous events which they had scheduled in The Hague and St. Petersburg. He also welcomed the projects being undertaken by the International Red Cross and Red Crescent Movement in the field of international humanitarian law in connection with its twenty-seventh international conference, to be held in the autumn of 1999.

8. Lastly, he recalled that at the previous session of the General Assembly, the European Union had considered that the draft guiding principles for international negotiations proposed by Mongolia warranted further study and consideration; he noted with satisfaction that a number of important issues had been clarified in the Committee working group responsible for considering the draft, through the efforts of several countries, including Mongolia, and that the European Union had participated actively in the work.

9. **Mr. Tejeira** (Panama), speaking on behalf of the Rio Group, welcomed the tremendous amount of information that was currently available in electronic form, as reported in the short but very instructive note by the Secretary-General on the United Nations Decade of International Law (A/53/492). He welcomed also the *Analytical Guide to the Work of the International Law Commission, 1949–1997* and the Colloquium on the Progressive Development and Codification of International Law which, he hoped, would mark the beginning of deep reflection on the future of the Commission and on ways to strengthen its functioning. He noted with satisfaction that the *Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice 1992–1996* had been issued in all official languages of the United Nations and expressed the hope that other publications would receive the same treatment in future.

10. Concerning the Secretary-General's note on multilateral treaties deposited with the Secretary-General (A/53/525), he recalled that the decision to translate the titles of those treaties into all the official languages of the United Nations had been taken on the initiative of the members of the Rio Group. The results of that initiative were generally known, and particularly beneficial for the harmonization of the terminology used in that field.

11. The Rio Group hoped that the new United Nations Treaty Section database would make it possible to reduce the delay in issuing the *United Nations Treaty Series*, to reduce the costs thereof and to disseminate the volumes more widely. The Secretariat should continue its efforts in that area.

12. The Rio Group countries welcomed the activities planned by the Russian Federation and the Netherlands to celebrate the centenary of the first International Peace Conference and would continue participating in the project. They believed that the closing of the United Nations Decade of International Law should be marked by a plenary meeting of the General Assembly to consider the commemorative measures taken and to review the achievements of the previous 10 years in the area of international law. They hoped that the closing of the Decade would not lead to a reduction in United Nations activities to promote the progressive development and codification of international law.

13. The Rio Group commended the Mongolian initiative on developing draft guiding principles for international negotiations (A/53/332 and Add.1) because it could make a useful contribution to achieving major United Nations objectives. The Group therefore supported the initiative and had participated in the work of the relevant Working Group; the Group hoped that the draft resolution on the subject (A/C.6/53/L.14) would be adopted by the General Assembly at its current session.

14. **Mr. Kerma** (Algeria) welcomed the progress made, during the successive phases of the Decade, in disseminating and developing the rules of international law, particularly in respect of the Law of the Sea and international trade law, because it had largely fulfilled the aspirations of the Movement of Non-Aligned Countries at the beginning of the Decade concerning the role international law should play in a world in which the ideological rivalries and confrontations which had prevented international law from developing no longer existed. Indeed, it was thanks to the current climate, which was more favourable to respect for the principles of international law and to harmony in international relations, that such instruments as the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction had come into force.

15. The United Nations Secretariat had contributed to these advances by organizing a variety of events and by electronically publishing legal texts which promoted the dissemination of international law and familiarized the broader public with its principles. That was also true of the International Law Commission and its normative research work. The United Nations should continue along the same path.

16. Algeria, aware that the teaching, study and dissemination of international law were ways to promote the rule of law in international relations and its role as an instrument for the peaceful settlement of disputes, was itself making great efforts in that direction: at home by encouraging the dissemination of international law to the public at large, particularly amongst young people, and abroad by acceding to a large number of international conventions and treaties.

17. However, in order to strengthen the universality and binding nature of international law, the codification work which Algeria supported wholeheartedly — should better accommodate the various legal regimes that existed around the world, whence the need for greater involvement of the developing countries in the international negotiations to codify the rules that would apply to the international community as a whole with a view to facilitating implementation of those rules and preventing objections.

18. The draft guiding principles for international negotiations (A/53/332 and Add.1) which Mongolia had submitted reflected the desire on the part of the developing countries to contribute to the building of international law. The draft deserved to be adopted because it had the advantage of putting together and emphasizing principles — such as respect for sovereign equality, non-interference and the non-use of force — which, although well known had not really been codified, and needed to be strengthened.

19. Algeria hailed the initiatives taken by the Russian Federation and the Netherlands on the occasion of the centenary of the first International Peace Conference, which would coincide with the closing of the Decade and with the fiftieth anniversary of the Geneva Conventions of 1949. All those public commemorations should also prompt consideration of what had been achieved in the past and what measures needed to be taken at the dawn of the new millennium to ensure that the international community's normative work followed international developments and took into account the interests and concerns of all the countries in that international community.

20. Additional effort was needed to promote respect for the norms and principles of law in international relations and the purposes and principles set out in the Charter of the United Nations; it was to be hoped that the next international peace conference, which was to be held in 1999, would contribute to those objectives.

21. **Mr. Al-Amer** (Bahrain) said that the United Nations Decade of International Law was designed to promote the recognition of, respect for and strengthening of international law, particularly the peaceful settlement of disputes, and to encourage the study, dissemination and greater understanding of international law. Those objectives seemed to have been understood and were beginning to be more widely recognized, as demonstrated by the very numerous agreements concluded in all areas during the period in question as well as the more pronounced trend towards the codification of international law.

22. His delegation expressed appreciation to the Netherlands and the Russian Federation for the initiative that they had made in order to commemorate the centennial of the first International Peace Conference and the closing of the United Nations Decade of International Law. He encouraged all Member States to participate in the activities planned in that regard.

23. With regard to the peaceful settlement of disputes, his delegation welcomed with satisfaction the recommendations made by the Secretary-General and was pleased with the efforts by Member States to enhance the means at their disposal in order to preserve peace. It was important to stress in that connection that the role of the United Nations was based essentially on the will of the international community to explore new ways to strengthen security and stability in the world.

24. **Mr. Ngo Quang Xuan** (Viet Nam), speaking on behalf of the Association of South-East Asian Nations (ASEAN), said that recognition of and respect for the generally accepted principles of international law were embodied in the founding document of ASEAN. Treaties were also an important source of international law, and ASEAN reaffirmed the need to examine the conventions that had not yet received the number of ratifications necessary for their entry into force.

25. ASEAN was committed to working towards the codification of the principles, rules and regulations of international law and would continue to participate in the codification of international law and initiatives to strengthen the United Nations system for maintaining international peace and security.

26. The ASEAN countries had consistently held that potential conflicts should be settled amicably through cooperation and dialogue. To that end, they had made serious efforts to contribute to the promotion of peace and stability by adopting a comprehensive approach to regional security and establishing a network of arrangements, mechanisms, agreements and treaties, *inter alia*, through the ASEAN Regional Forum established in 1994.

27. He stressed the importance of the fundamental principles underlying international negotiations, namely,

respect for the sovereignty and territorial integrity of all States, refraining from the threat or use of force, the peaceful settlement of international disputes, equal rights, self-determination and non-interference in the internal affairs of States. ASEAN was furthermore convinced that international negotiations should be conducted in accordance with international law and in good faith and supported the draft guiding principles for international negotiations proposed by Mongolia (A/C.6/53/L.14).

28. ASEAN fully supported the position taken by the Non-Aligned Movement at its twelfth conference in Durbin (South Africa). It appreciated the importance of the programme of action for the centennial of the first International Peace Conference, including the meetings to be organized by the Friends of 1999 at The Hague, St. Petersburg and Geneva.

29. ASEAN strongly supported the efforts by the United Nations to promote the teaching, study, dissemination and wider appreciation of international law and to enable States, especially developing countries, to play an active role in the development and codification of international norms. He noted with satisfaction that the information concerning United Nations activities in the field of international law had been made available through electronic means and that the project to establish a new electronic database system for the United Nations Treaty Collection had been completed in August 1998. He stressed, nevertheless, the necessity of keeping in mind the needs of developing countries in recovering the costs involved.

30. The ASEAN countries encouraged the Working Group established under agenda item 149 to continue its work at the next session and strongly recommended that that agenda item should be included in the provisional agenda of the fifty-fourth session of the General Assembly. ASEAN also fully supported the idea that the Decade programmes should continue beyond the year 2000.

31. **Mrs. Aguiar** (Dominican Republic), speaking on behalf of the member countries of the Central American Integration System and associated States, said that promoting the teaching, study, dissemination and wider appreciation of international law was one of the main objectives of the United Nations Decade of International Law. She was pleased with the progress made in 1998 by the Legal Affairs Office and the forthcoming introduction of the new electronic database, which would make it possible to access more easily information available on international law. Although the proposal to charge fees for access through the Internet was designed to cover the high costs of that service, there was a need to ensure that those fees were moderate and to provide a preferential regime for users from developing countries.

32. She was also pleased with the publication of document A/53/525, of 20 October 1998, which contained a list of the titles of multilateral treaties deposited with the Secretary-General. The dissemination of those documents on the Internet in all the official languages of the Organization would also be a very useful step.

33. Her delegation supported unreservedly the discussion paper prepared by the Friends of the Chairperson (A/C.6/53/L.5) on the draft principles and guidelines for international negotiations. The countries of the Central American Integration System had examined the text in detail and would present their positions individually at the appropriate time.

34. Much progress had been made during the Decade, particularly in the codification of the legal norms, rules and principles strengthening the United Nations system in order to preserve international peace and security. The opening for signature of the Statute of the International Criminal Court should also be mentioned.

35. The countries of the Central American Integration System supported the draft resolution submitted by the Netherlands and the Russian Federation (A/C.6/53/L.12), which described the measures for commemorating the centennial of the first International Peace Conference and the closing of the United Nations Decade for International Law. The 1999 Conference could also serve to promote the establishment of joint mechanisms to strengthen international peace and security, consolidate the primacy of international law and advance the overall implementation of the principles of international law.

36. The countries of the Central American Integration System also supported draft resolution A/C.6/53/L.8, which sought to publicize many of the activities undertaken during the Decade. They felt that the programmes instituted for the Decade should continue beyond the year 2000.

37. **Mr. Tchatchouwo** (Cameroon) said that the judicial settlement of disputes, particularly recourse to the International Court of Justice, should not be regarded as a hostile act among States. The possibility of recourse to an international court was a factor of progress in that the competence of the International Court of Justice was being extended and a jurisdiction which consolidated and complemented international law was being affirmed and developed.

38. With regard to the promotion of, acceptance of and respect for the principles of international law, it was time to

pass from words to action, because measures taken in that respect would be favourable to development, and the need for the harmonization of international law had never been clearer. International peace and security were at stake, and Cameroon encouraged any initiatives in that respect.

39. The draft principles and guidelines for international negotiations submitted by Mongolia, in their current form, were consistent with the general principles of international law. They accorded with the objectives of the United Nations Decade of International Law and would strengthen cooperation among States. On the basis of those guidelines, States would undertake negotiations on solid and equal foundations, in accordance with the objectives set forth in the Charter of the United Nations. Negotiation on the basis of recognized and respected principles contributed to the peaceful settlement of disputes. Non-interference, the obligation to negotiate in good faith, cooperation among States, and the prohibition of the use of force, were duties which, if universally respected and put into practice, would make it possible to consolidate international peace and security, and Cameroon supported those principles.

40. His delegation welcomed the note by the Secretary-General (A/53/492) on the need to encourage the teaching, study, dissemination and wider appreciation of international law. It noted with satisfaction the efforts made by the Codification Division of the Office of Legal Affairs to disseminate information on international law. However, it was regrettable that the aspect of economic development had not been sufficiently taken into account. His delegation welcomed the electronic dissemination of information on United Nations activities in the area of international law. It noted that an operating fund would enable the audiovisual library created by the Codification Division in 1997 to achieve its objective, namely to help States, especially developing States and their educational institutions, by making available to them, free of charge, audio or video cassettes on various topics of international law.

41. His delegation urged the Codification Division to accelerate the establishment of the United Nations Treaty Collection database so as to be able to provide rapidly a broader selection of information to Member States and facilitate their access to it.

42. Lastly, Cameroon endorsed the proposal of the Russian Federation to devote an entire working day of the General Assembly to the closing of the United Nations Decade of International Law.

43. **Mr. Zmeevski** (Russian Federation) said that the United Nations Decade of International Law had helped enhance the prestige of international law in a world in which international relations were intensifying and international law constituted a factor of development.

44. Other important events coincided with the end of the Decade, particularly the centennial of the first International Peace Conference. The President of the Russian Federation had proposed, at the fiftieth session of the General Assembly, that a third international peace conference should be held in 1999, and his proposal had been adopted by the international community. The Russian Federation, along with the Netherlands, had therefore submitted a draft resolution on action dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law (A/C.6/53/L.12).

45. The Russian Federation attached great importance to the achievement of the objectives of the United Nations Decade of International Law. Therefore, in implementation of General Assembly resolution 44/23, it had established a national committee to promote the achievement of the objectives of the Decade. That committee was also responsible for supervising and organizing preparations for the third international peace conference, which would consider not only topics such as disarmament and the peaceful settlement of disputes, but also international humanitarian law.

46. The Russian Federation noted that a report on the conclusions of the events organized on the occasion of the centennial at St. Petersburg would be submitted to the General Assembly at its fifty-fourth session for consideration at the end of the United Nations Decade of International Law. Moreover, it welcomed the action undertaken by the United Nations to promote the principles of international law, and its progressive development and codification. It supported the draft resolution submitted by Mongolia on the principles and guidelines for international negotiations.

47. With regard to the consolidation of international law, his delegation believed that the potential of the United Nations was far from being fully utilized, particularly in respect of the application of methods for the peaceful settlement of disputes such as recourse to the International Court of Justice, the arbitral tribunal and its permanent chamber. It would also be desirable to consider the question of preventive diplomacy in greater depth.

48. The activities to mark the closing of the United Nations Decade of International Law and the centennial of the first International Peace Conference should not only take stock of the Decade but should also mark the starting point of new efforts which the international community should undertake

to strengthen and ensure greater respect for the principles of international law over the next millennium.

49. **Ms. Tengah** (Brunei Darussalam) said that her delegation associated itself with the statement made by the representative of Viet Nam on behalf of the Association of South-East Asian Nations (ASEAN). In particular, it welcomed the computer activities of the Office of Legal Affairs and the Treaty Section, which had just launched a new database. Since, for States, negotiations were the most flexible and effective means of the peaceful settlement of disputes, her Government attached great importance to the consideration of the draft principles and guidelines for international negotiations. The principles governing international negotiations were scattered in various international agreements and treaties. For example, the Charter of the United Nations set forth the general principles governing the rights and duties of States, but more specific principles were contained in the Vienna Convention on the Law of Treaties and the Manila Declaration on the Peaceful Settlement of International Disputes.

50. Since differences of interpretation still persisted, there was a need to harmonize the applicable rules, while preserving their non-binding nature, in order to retain the necessary flexibility in negotiations.

51. **Mr. Jacovides** (Cyprus) associated himself with the statement made by the representative of Austria on behalf of the European Union.

52. His country had always participated actively in the efforts to codify international law, to which it attached the greatest importance. His Government was further convinced that if the existing provisions of international law were applied, the question of Cyprus could easily be resolved.

53. His delegation, which had always supported the idea that jurisdiction of the International Court of Justice should be compulsory, endorsed the position recently stated by the President of the Court, namely, that recourse to the Court could complement the work of the Security Council and the General Assembly, as well as bilateral negotiations. In certain cases, the Court's decisions had assisted States in framing further negotiations.

54. After recalling the objectives of the United Nations Decade of International Law, he reviewed the accomplishments made during the past nine years. In particular, he welcomed the progress achieved in the use of electronic media to disseminate a broad range of information on United Nations activities in the field of international law.

55. His Government had also taken a special interest in the annual meetings of legal advisers of ministries of foreign affairs, held since 1990 at the same time as the annual debate in the Sixth Committee on the report of the International Law Commission. Those informal meetings, which allowed the participants to exchange views and compare practices, had certainly advanced the objectives of the Decade, as had the work of the African-Asian Legal Consultative Committee, the Council of Europe Committee of Legal Advisors on Public International Law, the European Committee on Legal Cooperation and the Inter-American Juridical Committee. The importance of the initiatives undertaken in that area by such bodies as the Movement of Non-Aligned Countries and the Commonwealth should also be stressed.

56. His delegation fully supported the initiative undertaken by the Netherlands and the Russian Federation to mark the centennial of the first International Peace Conference of 1899, an event that coincided with the closure of the Decade.

57. Lastly, while the objectives of the Decade had largely been achieved, the task remaining was to ensure that the rules of international law were applied in practice, especially in the area of peace and security, in which, regrettably, the law of the jungle continued to prevail. Ensuring the rule of law in international relations would be a worthy goal for the new millennium.

58. **Mr. Verweis** (Netherlands) recalled that the first International Peace Conference had been held at The Hague in 1899 at the initiative of Tsar Nicholas II of Russia and Queen Wilhelmina of the Netherlands. The Conference had institutionalized the peaceful settlement of disputes by establishing the Permanent Court of Arbitration. The treaties adopted at the Conference contained rules which were still relevant.

59. It was natural, therefore, that on the eve of the twenty-first century, the Government of the Russian Federation and the Government of the Kingdom of the Netherlands should have taken the initiative to commemorate the centennial of the first International Peace Conference. Consequently, during 1997, the Friends of 1999 had drawn up a draft programme of action for the events to be held during the centennial.

60. He drew attention to an element of the programme of action which he considered to be particularly important from the political point of view, namely, regional conferences. Such conferences, in which all members of the international community would be able to participate, were a way of guaranteeing the diversity of opinions and, accordingly, the global character of the outcome of the discussions. The documents to be adopted at the conferences in The Hague and St. Petersburg would be submitted to the General

Assembly at the closure of the Decade, thus giving Member States an opportunity to express their views.

61. Drawing the attention of the Committee to draft resolution A/C.6/53/L.12, he proposed that in the tenth preambular paragraph and in paragraph 4, the word "conclusion(s)" should be replaced by "results".

62. **Mr. Lavalle-Valdés** (Guatemala) said that, despite his unconditional support for draft resolution A/C.6/53/L.14, he wished to make two comments on it.

63. The first comment related, *mutatis mutandis*, to the principle of international law known as the "Martens clause". His delegation believed that the principles adopted should be applied without prejudice not only to the existing rules of customary law, but also to those which might be adopted in the future.

64. The second comment related to negotiations which were conducted outside the strict framework of dispute settlement and which in no way affected the basic interests of the participating States. His delegation believed that paragraph 2, subparagraphs (d) to (g) of the draft should not be applied as strictly to negotiations of that type as to negotiations aimed at settling international disputes or questions likely to affect to some extent the basic interests of one or more participating States. That applied, in particular, to subparagraph (g).

Agenda item 156: Review of the Statute of the Administrative Tribunal of the United Nations (*continued*)

65. **The Chairman** drew attention to the draft decision contained in document A/C.6/53/L.10. After suggesting to the Committee that it should be adopted without a vote, he said that if he heard no objections, he would take it that the draft decision had been adopted.

66. *It was so decided.*

Agenda item 147: Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives (*continued*)

67. **The Chairman** drew attention to the draft resolution entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives" (A/C.6/53/L.11). Italy had joined the sponsors of the draft resolution. Suggesting to the Committee that it should be adopted without a vote, he said that if he heard no objections, he would take it that the draft resolution had been adopted.

68. *It was so decided.*

69. **Ms. Flores Liera** (Mexico), speaking in explanation of vote, said that while her delegation had joined the consensus, she still wished to make it clear that her Government interpreted paragraph 8 of the draft as meaning that it was incumbent on the receiving State to prevent and punish abuses committed by their diplomatic and consular representatives in accordance with their domestic law and the relevant rules of international law.

Organization of work

70. **The Chairman** said that Ukraine had joined the sponsors of draft resolution A/C.6/53/L.12.

The meeting rose at 5.15 p.m.